

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

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|-------------------------------|---|----------------------------------|
| DEWAYNE BAKER, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 7:18cv00382 |
| |) | |
| v. |) | <u>MEMORANDUM OPINION</u> |
| |) | |
| IVAN GILMORE, <u>et al.</u> , |) | By: Hon. Thomas T. Cullen |
| |) | United States District Judge |
| Defendants. |) | |

Plaintiff DeWayne Baker, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. By order entered November 2, 2020, the court granted Baker a final extension of time to file an amended complaint, after more than a year of granting him extensions. (*See* ECF No. 153.) The court warned Baker that no further extensions would be granted and that if he failed to file an amended complaint within 21 days, the court would dismiss this action without prejudice. (*Id.*) More than 21 days have elapsed, and Baker has not filed an amended complaint. Accordingly, the court will dismiss this action without prejudice for failure to comply with the court's order. The court notes that this dismissal is without prejudice to Baker's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

ENTERED this 30th day of November, 2020.

/s/ Thomas T. Cullen
 HON. THOMAS T. CULLEN
 UNITED STATES DISTRICT JUDGE